

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

IAN HUNTER LUCAS, Pro Se  
Plaintiff(s),

v.

MARY ANN JESSEE et al.  
Defendant(s).

Case No. 3:24-cv-00440

Judge Waverly D. Crenshaw, Jr.  
Magistrate Judge Alistair E. Newbern

MEMORANDUM OF LAW IN SUPPORT OF TEMPORARY RESTRAINING ORDER

This MEMORANDUM is submitted in support of the Plaintiff's Application for a Temporary Restraining Order against Defendant. The application seeks immediate judicial intervention and resolution of the underlying dispute between the Plaintiff and Defendant, as well as enforcement of the Plaintiff's rights under the statutes and public policy of the State of Tennessee.

I. Introduction

As set forth in detail below, the Plaintiff has a strong basis for requesting a temporary restraining order. This Memorandum outlines the facts and circumstances supporting the Plaintiff's request and demonstrates the need for immediate judicial intervention to protect the Plaintiff's interests.

II. Factual Background

This memorandum is submitted in support of Plaintiff's Application for a Temporary Restraining Order against Defendant, Mary Ann Jess. The following facts are true and correct:

1. Plaintiff, Ian H. Defendant as Mary Agnes Johnson et al., that have caused, and continue to cause, significant harm of a temporary restraining order.
2. Specific incidents cited by the Plaintiff include [describe the consequences of these incidents]
3. The urgency of this matter is underscored by [describe the urgency]
4. Despite attempts to resolve the matter amicably through negotiations, leaving the Plaintiff with no alternative actions.
5. This application is made in good faith, with the intent to prevent imminent and irreparable harm to the Plaintiff.

Considering the above, the Plaintiff respectfully requests the Court for a Temporary Restraining Order against the Defendant.

### I. Legal Standard

The legal standard for granting a Temporary Restraining Order for the Middle District of Tennessee is governed by Rule 65(b), which requires the plaintiff to demonstrate a likelihood of irreparable harm, that the plaintiff is entitled to the requested relief, and that the balance of hardships tips in favor of the plaintiff. In addition to Rule 65(b), the court also considers the likelihood of success on the merits of the case; the effort to prevent irreparable harm; the balance of hardships weighed collectively, with no single factor being dispositive.

### III. Facts of Law

This Memorandum in Support of the Plaintiffs' Emergency Motion for a Temporary Restraining Order is submitted to the United States District Court for the District of Columbia. The Plaintiffs seek a temporary restraining order against Defendant Mary Anna Gasse, the President of Defendant's company, to prevent the Defendant from violating the standards and case law applicable to such requests. The application for a temporary restraining order is based on the facts and circumstances and case law, which are pertinent to the circumstances of this case.

1. Case Law 1: Winter v. Natural Resources Defense Fund, Inc. This case established that the likelihood of success on the merits is one of the most critical factors in determining the issuance of a temporary restraining order.
2. Case Law 2: Granny Goose Foods, Inc. v. Brothman. This case clarified that a TRO can be issued without specific facts shown by affidavit, but only if the party seeking the TRO shows that injury will result before the adverse party can be heard.
3. Case Law 3: Standard Havens Prods., Inc. v. General Motors Corp. This case affirmed that the balance of hardships and the likelihood of success are considerations in the issuance of a TRO.

These cases illustrate the legal framework and precedents for the issuance of a temporary restraining order in the present case. The Plaintiffs' Motion for a Temporary Restraining Order is based on the facts and circumstances established by the evidence and the legal standards set forth in the applicable case law.

### III. Legal Argument

This Memorandum is submitted in support of Plaintiff's Motion for a Temporary Restraining Order against Defendant Mary Anna Gasse.

Restraining Order is made pursuant to the relevant requests within the jurisdiction of the United States. In support of this Application, Plaintiff sets forth

1. The facts of the case demonstrate an immediate and irreparable injury to Plaintiff in the absence of the relief requested.
2. The Plaintiff is likely to succeed on the merits of its claim in its favor, and the relief sought is in the public interest.
3. Specific legal standards applicable to the grant of a Temporary Restraining Order in this case are set forth in Plaintiff's request. These include, but are not limited to, the standards set forth in *Winter v. Natural Resources Defense Fund*, 555 U.S. 677 (2009), and the precedents critical for such grants. Notably, the standards set forth in Federal Rule of Civil Procedure 65(b) and illustrated through pivotal cases such as *Winter* and *Granny Goose Foods, Inc. v. Brotherhood of Tea and Coffee Workers of America*, 359 U.S. 123 (1959), demonstrate that they will suffer "immediate and irreparable injury, loss, or damage" in the absence of a restraining order and that the balance of hardships tips in Plaintiff's favor. Plaintiff's detailed efforts made to notify the defendant or its agents of its request are set forth in detail.
4. Federal Rule of Civil Procedure 65(b). This rule provides that a court may grant a temporary restraining order if the plaintiff demonstrates that they will suffer "immediate and irreparable injury, loss, or damage" in the absence of a restraining order and that the balance of hardships tips in Plaintiff's favor. Plaintiff's detailed efforts made to notify the defendant or its agents of its request are set forth in detail.
5. *Winter v. Natural Resources Defense Fund*, 555 U.S. 677 (2009). This case underscores the criticality of proving a likelihood of success on the merits as a foundation for granting a Temporary Restraining Order. Plaintiff's Application to Case: The Plaintiff's situation clearly demonstrates a clear demonstration of imminent and irreparable injury, loss, or damage, necessitating immediate intervention.
6. *Granny Goose Foods, Inc. v. Brotherhood of Tea and Coffee Workers of America*, 359 U.S. 123 (1959). This case established the principle that a Temporary Restraining Order may be granted to the defendant if there is a clear demonstration of imminent and irreparable injury, loss, or damage, necessitating immediate intervention.

irreparable injury is likely before the opposi  
 Plaintiff's detailed account of harm and the o  
 necessity for a swift, ex parte TRO to prevent  
 7. Standard Havens Products, Inc. v. Gethio Indus  
 case further elaborates on the importance of c  
 interest in the issuance onfc ea oTfR Ch. a RAdpsph i i p csa tdi eocni  
 favor of the Plaintiff, Ian Hunter Lucas, emph  
 harm. Together, these legal standards and case  
 a Temporary Restraining Order, highlighting the urgent need  
 immediate and irreparable injury.

The Plaintiff's application for a Temporary Restr  
 and robust legal precedents that collectively dem  
 requested relief. The applica t r i a m e w o r k l u s d e s p o r t i i t h i g c a  
 each providing a clear rationale for the issuance  
 discussion on these legal standards and set:heir app  
 1. Immediate and Irreparable Injury (28 U.S.C. §  
 of Civil Procedure 5, (b) 28 U.S.C. A.I.I § 11651(a), empowe  
 writs necessary or appropriate in aid of h i s t h e d t r u t r e e  
 authority to issue orders like the TRO to prevent  
 case, Lucas's allegations detailing h a c o n s e q u e n c e  
 that could not be undone, align with the statute'  
 irreparable injury.

2. Likelihood of Success on the Merits (Winter v.  
 (2008)) \*\*: The Supreme Court in Winter establishe  
 must establish that he i s s l i c k a l y m. t o s u b c e a d, o n h e h

alleged harm, coupled with the legal obligations  
Jessee, provide a substantive basis that leans fa  
merits. This is particularly compelling with the legal  
obligations at issue.

3. No Notice Required Under Exceptional Circumsta  
Brotherhood of Teamsters, 415 U.S. 423 (1974)): T  
ex pTArRtHeighl ighted by the immediate es pveirni ctiyp l o  
outlined in Granny Goose Foods. The case justifie  
party when there's a signifi c and curi s ke fo d r i r t h e p a d a f  
heard. Lucas's detailed account of ongoing and im  
ambit of this legal precedent.

4. Balance of Hardships and Public Interest (Stam  
897 F.2d 511 (Fed. Cir. 1990)) \*\*: This case highl  
hardships and the public interest when deciding o  
granted, significantly outweighs any potential harm to the Defen  
interest in prev-ernotoi negd ti hne tahl el epgreidn-ehi ap r i e s o r o f e s u s t i t e  
appropriateness of granting the TRO.

In sum, the application leverages Federal Rule  
Writs Act (28 U.S.C. § 1651(a)), and is solidly b  
and Standard Havens Products, Inc. v. International  
narrative that Lucas is facing immediate and irre  
merits, and that the balance of hardships and pub  
framework robustly supports the issuance of a Tempor  
further harm.

Therefore, it is respectfully requested that the Temporary Restraining Order as detailed in this Memorandum.

#### IV. Request for Relief

Pursuant to the relevant statutes and case law governing within the jurisdiction of the United States District Court ("Plaintiffs") the Emergency Application for a Temporary Restraining Order ("Defendant") to prevent immediate and irreparable harm to Plaintiff and suffer in the absence of such relief.

The Plaintiff respectfully requests the Court to enjoin Defendant from any actions that would further harm Plaintiff in the accompanying Memorandum. This request is based on the demonstrated a substantial likelihood of success on the merits of the absence of preliminary relief, the balance of hardships in the public interest.

The Plaintiff also requests that this Court schedule a hearing on this application for a temporary restraining order as soon as possible until a full hearing can be conducted on the merits of the case.

#### V. Demand for Emergency Hearing

In light of the urgent nature of the Plaintiffs' request for a Temporary Restraining Order, the Plaintiffs respectfully request that the Court grant this request. Given the immediate and irreparable harm to Plaintiff, and the Court's swift action, it is imperative that this request be granted as soon as possible time.

The Plaintiffs assert that the circumstances sur-  
review to prevent further harm and to uphold the  
urge the Court to re-magnize and determine the time  
time frame, e.g., 48 hours] of this application's  
procedural rules and guidelines of the United States  
consideration of the severe implications that delay  
rights-bændgwel l

The Plaintiffs are prepared to present their arg  
Application for a Temporary Restraining Order and  
determination of this urgent matter.

Respectfully and humbly submitted,



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C E R T I F I C A T E   O F   S E R V I C E

I hereby certify that on Memorial Day, May 27, 2024 I personally served the  
Defendants and their counsel of record via CE/EFS  
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Date: May 2nd,